

In the Senate of the United States,

December 21, 2012.

Resolved, That the bill from the House of Representatives (H.R. 4212) entitled “An Act to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Drywall Safety Act of*
3 *2012”.*

4 **SEC. 2. SENSE OF CONGRESS.**

5 *It is the sense of Congress that—*

6 *(1) the Secretary of Commerce should insist that*
7 *the Government of the People’s Republic of China,*
8 *which has ownership interests in the companies that*
9 *manufactured and exported problematic drywall to*

1 *the United States, facilitate a meeting between the
2 companies and representatives of the United States
3 Government on remedying homeowners that have
4 problematic drywall in their homes; and*

5 *(2) the Secretary of Commerce should insist that
6 the Government of the People's Republic of China di-
7 rect the companies that manufactured and exported
8 problematic drywall to submit to jurisdiction in
9 United States Federal Courts and comply with any
10 decisions issued by the Courts for homeowners with
11 problematic drywall.*

12 **SEC. 3. DRYWALL LABELING REQUIREMENT.**

13 *(a) LABELING REQUIREMENT.—Beginning 180 days
14 after the date of the enactment of this Act, the gypsum board
15 labeling provisions of standard ASTM C1264–11 of ASTM
16 International, as in effect on the day before the date of the
17 enactment of this Act, shall be treated as a rule promulgated
18 by the Consumer Product Safety Commission under section
19 14(c) of the Consumer Product Safety Act (15 U.S.C.
20 2063(c)).*

21 *(b) REVISION OF STANDARD.—If the gypsum board la-
22 beling provisions of the standard referred to in subsection
23 (a) are revised on or after the date of the enactment of this
24 Act, ASTM International shall notify the Commission of
25 such revision no later than 60 days after final approval*

1 of the revision by ASTM International. The revised provi-
2 sions shall be treated as a rule promulgated by the Commis-
3 sion under section 14(c) of such Act (15 U.S.C. 2063(c)),
4 in lieu of the prior version, effective 180 days after the Com-
5 mission is notified of the revision (or such later date as
6 the Commission considers appropriate), unless within 90
7 days after receiving that notice the Commission determines
8 that the revised provisions do not adequately identify gyp-
9 sum board by manufacturer and month and year of manu-
10 facture, in which case the Commission shall continue to en-
11 force the prior version.

12 **SEC. 4. SULFUR CONTENT IN DRYWALL STANDARD.**

13 (a) RULE ON SULFUR CONTENT IN DRYWALL RE-
14 QUIRED.—Except as provided in subsection (c), not later
15 than 2 years after the date of the enactment of this Act,
16 the Consumer Product Safety Commission shall promulgate
17 a final rule pertaining to drywall manufactured or im-
18 ported for use in the United States that limits sulfur con-
19 tent to a level not associated with elevated rates of corrosion
20 in the home.

21 (b) RULE MAKING; CONSUMER PRODUCT SAFETY
22 STANDARD.—A rule under subsection (a)—
23 (1) shall be promulgated in accordance with sec-
24 tion 553 of title 5, United States Code; and

1 (2) shall be treated as a consumer product safety
2 rule promulgated under section 9 of the Consumer
3 Product Safety Act (15 U.S.C. 2058).

4 (c) EXCEPTION.—

5 (1) VOLUNTARY STANDARD.—Subsection (a) shall
6 not apply if the Commission determines that—

7 (A) a voluntary standard pertaining to
8 drywall manufactured or imported for use in the
9 United States limits sulfur content to a level not
10 associated with elevated rates of corrosion in the
11 home;

12 (B) such voluntary standard is or will be in
13 effect not later than two years after the date of
14 enactment of this Act; and

15 (C) such voluntary standard is developed by
16 Subcommittee C11.01 on Specifications and Test
17 Methods for Gypsum Products of ASTM Inter-
18 national.

19 (2) FEDERAL REGISTER.—Any determination
20 made under paragraph (1) shall be published in the
21 Federal Register.

22 (d) TREATMENT OF VOLUNTARY STANDARD FOR PUR-
23 POSES OF ENFORCEMENT.—If the Commission determines
24 that a voluntary standard meets the conditions in sub-
25 section (c)(1), the sulfur content limit in such voluntary

1 standard shall be treated as a consumer product safety rule
2 promulgated under section 9 of the Consumer Product Safe-
3 ty Act (15 U.S.C. 2058) beginning on the date that is the
4 later of—

5 (1) 180 days after publication of the Commis-
6 sion's determination under subsection (c); or
7 (2) the effective date contained in the voluntary
8 standard.

9 (e) REVISION OF VOLUNTARY STANDARD.—If the sul-
10 fur content limit of a voluntary standard that met the con-
11 ditions of subsection (c)(1) is subsequently revised, the orga-
12 nization responsible for the standard shall notify the Com-
13 mission no later than 60 days after final approval of the
14 revision. The sulfur content limit of the revised voluntary
15 standard shall become enforceable as a Commission rule
16 promulgated under section 9 of the Consumer Product Safe-
17 ty Act (15 U.S.C. 2058), in lieu of the prior version, effec-
18 tive 180 days after the Commission is notified of the revi-
19 sion (or such later date as the Commission considers appro-
20 priate), unless within 90 days after receiving that notice
21 the Commission determines that the sulfur content limit of
22 the revised voluntary standard does not meet the require-
23 ments of subsection (c)(1)(A), in which case the Commission
24 shall continue to enforce the prior version.

(f) *FUTURE RULEMAKING.*—The Commission, at any time subsequent to publication of the consumer product safety rule required by subsection (a) or a determination under subsection (c), may initiate a rulemaking in accordance with section 553 of title 5, United States Code, to modify the sulfur content limit or to include any provision relating only to the composition or characteristics of drywall that the Commission determines is reasonably necessary to protect public health or safety. Any rule promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

13 SEC. 5. REVISION OF REMEDIATION GUIDANCE FOR
14 DRYWALL DISPOSAL REQUIRED.

15 Not later than 120 days after the date of the enactment
16 of this Act, the Consumer Product Safety Commission shall
17 revise its guidance entitled “Remediation Guidance for
18 Homes with Corrosion from Problem Drywall” to specify
19 that problematic drywall removed from homes pursuant to
20 the guidance should not be reused or used as a component
21 in production of new drywall.

Attest:

Secretary.

112TH CONGRESS
2^D SESSION

H.R. 4212

AMENDMENT
